

Jost et al v. Governor in Council et al

Harold Ristau
on Monday, June 13, 2022



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Calgary, AB T2P 3J4

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Court File No. T-382-22

FEDERAL COURT

BETWEEN:

JEREMIAH JOST, EDWARD CORNELL, VINCENT GIRCYS,
and HAROLD RISTAU

Applicants

- and -

GOVERNOR IN COUNCIL, HER MAJESTY IN RIGHT OF CANADA,
ATTORNEY GENERAL OF CANADA, and MINISTER OF PUBLIC SAFETY
AND EMERGENCY PREPAREDNESS

Respondents

Transcript of Oral Questioning of
HAROLD RISTAU
(On affidavit sworn March 9, 2022)
Held via videoconferencing
June 13, 2022

1 ALL PARTIES APPEARING VIA VIDEOCONFERENCING

2 For the Applicants

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7 

8 For the Respondents

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13 

14 Also Present

15 Blair Ector

16 Bath-Shéba van den Berg

17 David Aaron

18 Nathan Joyal

19 Nur Muhammed-Ally

20 Barbara Brzezicki

21 Official Court Reporter

22 Justyne Kawalilak, CSR(A), RPR, BA(Hons)

23 Amicus Reporting Group, a Veritext Company

24 403-266-1744

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1 (Proceedings commenced at 10:00 a.m.)

2 COURT REPORTER: Counsel, as you all know, because
3 we are using a virtual connection, everyone is going to
4 have to be more conscious than ever of not speaking
5 over each other. If I cannot hear the end of a
6 question or the beginning of an answer or if I have to
7 interrupt often because I cannot hear or understand
8 something that is said, we will not have a good
9 examination flow, and we will have a poor record. If
10 there is an objection, I need to be able to hear it,
11 please, and know who is objecting. If I do have to
12 interrupt, please be patient and understand that my
13 goal is to provide you with a perfect record of these
14 proceedings.

15 From time to time, we've noticed the audio can be
16 affected, and if so, we may need to stop the
17 proceedings and wait a moment for the audio to improve.

18 Would the witness please identify himself and
19 spell his first and last name?

20 MR. RISTAU: Harold Ristau, H-A-R-O-L-D,
21 R-I-S-T-A-U.

22 COURT REPORTER: Our witness today is Harold
23 Ristau. If there are any questions about the witness's
24 identity, would counsel please advise on the record
25 now?

1 MS. AHLUWALIA: There aren't.

2 COURT REPORTER: Hearing no objection, counsel, are
3 you ready for me to affirm the witness?

4 MR. MILLER: Yes, please go ahead.

5 HAROLD RISTAU, affirmed, questioned by Ms. Ahluwalia:

6 Q. Good morning, Mr. Ristau. My name is Meenu Ahluwalia.
7 I am counsel for the Department of Justice, and we act
8 for all of the respondents in this matter, the Governor
9 in Council, Her Majesty in Right of Canada, the
10 Attorney General of Canada, and the Minister of Public
11 Safety and Emergency Preparedness. Can you hear me
12 without any problems?

13 A. Yes, ma'am, I can.

14 Q. How is it that you prefer to be addressed, mister or
15 reverend or doctor?

16 A. I'm fine with any of the titles. I suppose reverend
17 might be the best -- the most appropriate in this
18 setting.

19 Q. Thank you. If at any point you can't hear me or
20 there's some kind of disruption, please make it known
21 either verbally or in the chat function. You see the
22 chat function at the bottom of the screen there? Okay.
23 So then we'll stop and make sure that we can deal with
24 the disruption.

25 I have a series of questions to ask you today. I

1 understand that you swore an affidavit on March 9,
2 2022. You've got that with you today?

3 A. Yes, I do.

4 Q. Thank you. You've reviewed your affidavit to prepare
5 for today?

6 A. Yes, I have.

7 Q. Is there anything that you wanted to change or correct
8 in your affidavit before we get started?

9 A. I don't believe so.

10 Q. Thank you.

11 MS. AHLUWALIA: And I will just note for everyone
12 that I have two screens. One is higher than the one I
13 have my Zoom setup, so when I do look up, I'm not
14 rolling my eyes. I'm just looking at my second screen.

15 Q. MS. AHLUWALIA: So in the course of my questions
16 today, sir, I may ask you questions about documents or
17 videos, and I just want you to know that you will have
18 enough time to review those, so don't rush, okay? I'm
19 ready to start. Are you?

20 COURT REPORTER: Sir, I will need verbal answers
21 all day today. I'm creating a transcript, so I will
22 need verbal answers, please.

23 A. I am ready. But would you like me to just remain on --
24 off mute the whole time or go back and forth?

25 COURT REPORTER: Just remain on. For the

1 questioning, stay unmuted, please.

2 **A.** Okay.

3 COURT REPORTER: Thank you.

4 **Q.** MS. AHLUWALIA: Thank you. That is important.
5 You will have to actually give a verbal answer.

6 **A.** Okay.

7 **Q.** Let's start with some background on you. You don't
8 live in Ottawa?

9 **A.** No, I do not.

10 **Q.** Where do you live?

11 **A.** In Fort Erie, Ontario.

12 **Q.** How far is that from Ottawa?

13 **A.** Well, it's, I guess, about a 6-hour drive or so.

14 **Q.** What do you do there?

15 **A.** It's just near Niagara Falls.

16 **Q.** That's helpful. Thank you. What do you do in Fort
17 Erie?

18 **A.** I teach at the seminary at Brock University in
19 St. Catharines.

20 **Q.** And you're also a reverend?

21 **A.** I am, yes.

22 **Q.** And is there a church that you preach out of?

23 **A.** Well, occasionally, but I don't have my own
24 congregation as a professor at the seminary. So as a
25 guest -- as a guest preacher or filling in for services

1 and those sorts of things. We have our own chapel, so
2 I preach there frequently.

3 Q. And when you say "frequently," how many times a month
4 would you be there?

5 A. I would imagine, for our staff and students, monthly.

6 Q. You are a part of a congregation in town, though?

7 A. Yes, I'm a member of a congregation in -- in my town,
8 yes.

9 Q. So folks know you there?

10 A. Oh, yes. I mean, it's inconceivable not to be a member
11 of a congregation as a clergyman even if you don't have
12 your own church.

13 Q. Do you have your own podcast?

14 A. No, I do not.

15 Q. Do you have a radio show?

16 A. No, I do not.

17 Q. Do you have a blog or a newsletter that you write?

18 A. No, I do not. I contribute to newsletters, but I'm
19 actually not that technical so -- otherwise, I probably
20 would. But anyway, time consuming as well so...

21 Q. Right. And do you have a Twitter account?

22 A. No, I do not.

23 Q. Do you have a Facebook account?

24 A. Yes, but I check it maybe once a year. Again, just not
25 that technical, which has gotten to be a little bit of

1 trouble as a chaplain because I've had people asking me
2 for help or advice, and I get the message 12 months or
3 15 months later after I haven't checked it and feel
4 rather guilty about that so -- but I do have an email
5 account, two email accounts.

6 Q. And they're publicly available emails?

7 A. Well, I suppose so. I mean, they can be. I don't have
8 a way of disseminating those email addresses outside of
9 the one posted on our seminary webpage at Brock
10 University.

11 Q. So if I wanted to do -- if I wanted to find you, I
12 could do an internet search and find you?

13 A. Oh, yes. Yes, ma'am, you could, yeah.

14 Q. Thank you. All right. Let's go to your affidavit,
15 paragraph 10. I'm just going to pull it up here as
16 well. And paragraph 10 is where you state that you
17 were in Ottawa on February 12, 2020, okay? Do you see
18 that there?

19 A. Yes. I do see that, yes.

20 Q. And that was before the Emergencies Act was invoked?

21 A. Yes, it was.

22 Q. All right. And you were in Ottawa for the protest?

23 A. Yes, I was.

24 Q. What folks are calling the Freedom Convoy protest?

25 A. Correct.

1 **Q.** How did you find out about the protest?

2 **A.** Well, it was on the news, and we've got members of our
3 congregations who were involved as well in the
4 protests, whether they be in Toronto or Ottawa. So I
5 was invited, actually, to go down on that 10th by a
6 local congregation in Kitchener. I mean, I think we
7 all knew about the --

8 **Q.** Had the --

9 **A.** The protests were public knowledge, I think, weren't
10 they? Yes, on the day that -- well, February 12th, the
11 Saturday, I was invited to go on that Saturday.

12 **Q.** Who were you invited by?

13 **A.** A congregation in Kitchener, one of our Lutheran
14 congregations. Well, not the entire congregation but a
15 component or cohort of people that went down to
16 protest.

17 **Q.** Okay. And so you've said that this was public
18 knowledge. You heard about it on the news. In
19 particular, which news channels were you hearing about
20 this or reading about this?

21 **A.** Well, I mean, it was -- I mean, it was all over the
22 news, and everyone I know knew about the protests. I
23 mean, I don't --

24 **Q.** Okay.

25 **A.** I mean, every single channel was publicizing what was

1 going on in Ottawa, so I'm not sure -- I guess I don't
2 recall which particular one.

3 Q. And that's my question. What news sources, particular
4 ones, were you receiving your information about the
5 protests?

6 A. I guess whatever shows up on my phone, whether it be
7 Yahoo!, CBC, also independent -- independent news.

8 Q. CTV, Global News?

9 A. Yeah, all those. I mean, my wife, we talked about her
10 knowing about it. I mean, it was just common
11 knowledge. I mean, that was approximately halfway
12 through, I think, the protests or something like that.
13 It was...

14 Q. Okay. Had you attended any other protests around this
15 time?

16 A. Yes, I did.

17 Q. Where did you go?

18 A. It was in Toronto the Saturday prior.

19 Q. So that would have been February 5th?

20 A. I just -- just subtract the 7 from the 12. I don't
21 want to give a wrong answer. I'm not -- I'm not good
22 at math, but the Saturday prior to, yeah.

23 Q. That's fine. How long were you at the Toronto protest
24 for?

25 A. Well, the afternoon, so I would say approximately 1:00

1 until maybe 4 or 5 or something like that.

2 **Q.** Okay. In your reading and hearing about the protest,
3 the Freedom Convoy protest, did you come across a
4 document called a "Memorandum of Understanding" that
5 some folks were sharing?

6 **A.** No. What's the rest of the title? It's an MOU with --

7 **Q.** It's an MOU --

8 **A.** Who are these folks, though?

9 **Q.** I believe it's the Canada Unity folks. I'm going to
10 ask my colleague, Ms. Brzezicki, to just put the
11 document up.

12 **MS. AHLUWALIA:** And this is just for
13 identification, Mr. Miller, to see if Mr. Ristau has
14 seen this before.

15 **Q.** **MS. AHLUWALIA:** So do you see that document that's
16 been shared on the screen here?

17 **A.** Yes, I do.

18 **Q.** Have you seen that document before?

19 **A.** No, I don't believe I have. It looks interesting
20 but --

21 **Q.** Had you seen this document before you attended the
22 protest?

23 **A.** No, I don't believe so, no.

24 **Q.** Okay. Have you heard about this document?

25 **A.** No, I don't believe I have. I'm just reading it as

1 we -- as we're speaking right now so...

2 No, ma'am.

3 Q. Okay. Those are my questions with respect to the
4 document.

5 MS. AHLUWALIA: Thank you, Ms. Brzezicki.

6 Q. MS. AHLUWALIA: At the time that you -- prior to
7 going to Ottawa, did you know who the organizers of the
8 protest were?

9 A. You mean the -- the -- the group of people that were --
10 like, the steering committee of that protest or
11 something? No, I --

12 Q. Yeah.

13 A. -- didn't know anybody.

14 Q. Individuals?

15 A. No.

16 Q. You did not know or hear of Pat King?

17 A. Well, I -- I feel embarrassed to say I didn't because I
18 know everybody else seems to have so -- but, no, I
19 hadn't.

20 Q. And this is prior to you going to Ottawa on February
21 12th. That's the time frame I'm asking about. You
22 didn't know --

23 A. Yes.

24 Q. -- or hear about Tamara Lich?

25 A. No, I don't believe I did.

1 Q. And you didn't know or hear about Chris Barber?

2 A. No. Again, I feel embarrassed saying I didn't because
3 most people are up on all those things. But for me and
4 my seminary life, I'm so busy that it was -- I
5 supported the cause, and I went with others who did
6 too. And those names, most of them now I know just
7 because of the consequences afterwards with all that's
8 going on, but prior to going up there, no, I didn't.

9 Q. And you didn't know any of the organizers or other
10 groups that affiliated themselves with the protest?

11 A. No, except is the -- is Action Canada -- are they a
12 group that's affiliated with the trucker convoys or --

13 Q. Is that a group that you're familiar with?

14 A. Yes. Yeah.

15 Q. And how are you familiar with that group?

16 A. Well, they're local in my region.

17 Q. And is it your knowledge that they were supporting the
18 protest?

19 A. Well, after -- after the protests that I attended, yes.

20 Q. Okay. So I just want to now move on to paragraph --
21 hold on. Let's back up here. You got to Ottawa the
22 Friday night, February 11th?

23 A. Correct, yes.

24 Q. So you drove in from Fort Erie on the Friday night?

25 A. Correct.

1 Q. Where did you stay when you got there?

2 A. A military friend's house.

3 Q. And what time did you get there?

4 A. I don't know. It was probably around 8:00, I suppose.

5 Q. Okay. And did you go to the protest that evening?

6 A. No, I did not.

7 Q. At paragraph 12 of your affidavit --

8 A. Yes, ma'am.

9 Q. -- you mention various locations in Ontario.

10 A. No, in Ottawa, ma'am.

11 Q. In Ottawa.

12 A. Correct.

13 Q. Thank you. I misspoke. So your paragraph reads: (as
14 read)

15 The only blockades that I witnessed at
16 the protest were police blockades that
17 contained concrete barricades and police
18 cars at various locations in Ottawa.

19 A. Yes, ma'am.

20 Q. Which locations were these?

21 A. Well, it was the location from when I was driving to
22 the parking garage. And as I was going up, I guess,
23 the east side of Ottawa on the right side on the map,
24 on the left, there were various blockades with police
25 because I was trying to follow my GPS to get into the

1 parking lot. And so that's what I witnessed --

2 Q. Where is that parking lot located?

3 A. Right. It's the one that's -- what's that little town
4 in -- that little, quaint part of Ottawa where there's
5 all the ethnics foods and all that? What's it called
6 again? Goodness' sake. Well, it's near the big mall,
7 The Bay. There's a parking lot in The Bay and then,
8 across the street, a wonderful shawarma place we used
9 to love to go to. I just can't remember that. It's on
10 the tip of my tongue, but the little village. Anybody
11 who lives in Ottawa knows what I'm talking about, but
12 it's like an eyeshot from the -- the big mall there.
13 So it was -- it was in that parking lot there. Ah,
14 what's the name of that place?

15 Q. Is the mall that you're referring to Rideau Centre?

16 A. Right. Yes. But it's not -- but it wasn't in the
17 Rideau Centre. It was -- I don't believe it was in the
18 Rideau Centre. It was the one that was in the -- in
19 that market, the --

20 Q. Are you referring to Byward Market?

21 A. That's right, yes. Thank you for that. Byward -- I
22 believe it was in the Byward Market, yeah.

23 Q. And you were parked at the Byward Market parkade?

24 A. Yes.

25 Q. And is that the evening of Friday 11th?

1 **A.** No, this was on Saturday. The Friday night -- it was
2 on Saturday morning that we went to the parking garage,
3 not Friday night.

4 **Q.** As you were driving to the parkade, you weren't stopped
5 by the police?

6 **A.** No, I was not.

7 **Q.** What time did you park at the parkade?

8 **A.** It must have been 8 or 9 in the morning. It was rather
9 early because we wanted to make sure we could receive a
10 spot in the parking garage. I don't exactly remember
11 the exact time, but it was -- it was early in the
12 morning.

13 **Q.** Okay. So on the morning that you were there on
14 February 12th, do you recall the mall being open?

15 **A.** The Rideau Centre, yes, because I -- we needed to use
16 the bathroom, so I remember my family going in there
17 and...

18 **Q.** Okay. How were -- how long were you at the protest in
19 the downtown area that day?

20 **A.** I think around probably -- it was quite cold, so I
21 believe it was probably around 3 or 4 that we left,
22 maybe a little bit later than that.

23 **Q.** Is it fair to say that you left before dinnertime?

24 **A.** Right before dinnertime, yes.

25 **Q.** So any time up to about 6, you may have been there?

1 **A.** I think so, ma'am, yeah.

2 **Q.** Where did you go after?

3 **A.** Back to my friend's place. We had stayed in Kanata
4 where we used to live, and we had some other
5 acquaintances in the area that we wanted to pass by and
6 give greetings so -- and that's why we wanted to make
7 sure that we ate with -- with him.

8 **Q.** Okay. And did you stay the night in Ottawa?

9 **A.** Yes, we spent two nights there.

10 **Q.** Where did you go from the parkade once you were in the
11 parkade?

12 **A.** The parking lot, you mean?

13 **Q.** Yes, the parking lot. Where did you go from there?

14 **A.** We just walked towards the Parliament, and then I had
15 my clerical collar on and my veteran medals, so just
16 talked with people, said hi to people. We actually had
17 no real plan of -- just sort of random. We were with a
18 bunch of people from the church, so we were trying to
19 all stick together, but we realized because of the
20 crowds, that wasn't going to happen, and so we all sort
21 of disseminated in different directions.

22 **Q.** There were a lot of people there that morning?

23 **A.** Yes, there was, yeah.

24 **Q.** Do you have any estimation of how many?

25 **A.** Well, I mean, I've heard the -- the numbers between

1 just a few thousand and then a million or more than a
2 million. So, you know, I mean, I was -- I seen --
3 there's several thousands there, thousands upon
4 thousands of people. There was no end in sight of --
5 of the crowds, but I didn't actually walk -- yeah, I
6 think I walked from the parkade to the Parliament and
7 then the Tomb of the Unknown Soldier, and that kind of
8 triangle was sort of as far as I got in terms of just
9 visiting with people and saying prayers, little groups
10 of Catholics, old -- old people, Orthodox Catholic
11 people who asked, "Father, do you mind saying a prayer
12 for us?" and all that. So that took quite some time to
13 do all that kind of thing, so I didn't get to explore
14 as much as I had sort of hoped. But as far as I could
15 see, it was just tens of thousands of people, but I'm
16 not very good with math so -- as I mentioned earlier.

17 Q. That's fine. You mentioned that you were talking to
18 people, having conversations with them?

19 A. Yes, absolutely, yeah.

20 Q. And then what kind of things were you talking about?

21 A. Oh, just why you're here, you know, you're --

22 Q. And why was that?

23 A. Sorry, ma'am?

24 Q. Why is that? What are some of the reasons people gave
25 you?

1 **A.** Oh, I see. Well, that they were -- they were upset
2 about the handling of the mandates and various -- a
3 whole spectrum of different reasons that people were
4 there, you know. I'm just thinking of the people I was
5 praying with. A lot of these ladies were from
6 ex-communist countries and so forth, and so they were
7 sharing their stories of how they came to Canada,
8 including my own parents actually, so I was able to
9 give back and forth so -- but that was a lot -- a lot
10 of people I spoke with were -- that was sort of their
11 stories.

12 But, again, it was mainly Christian/Catholic
13 people that were kind of attracted to the priest, so
14 that's why those are the people I mainly spoke with.
15 And I went up to the police officers and smiled and
16 thanked them. I did that in Toronto as well, made a
17 deliberate effort to go to the police officers and
18 thank them for being there, just trying to be a
19 chaplain, I guess, to everybody, whoever they are, and
20 floated around and just sort of chatted.

21 **Q.** Okay. Do you have an estimate --

22 **A.** I wish I could have stayed -- I wish I could have
23 stayed longer, but I've got five children and -- so it
24 was quite cold that day.

25 **Q.** No, I appreciate that, but you have answered my

1 question. Do you have an estimate of how many people
2 you would have spoken to?

3 A. Hmm, that's a tough question, a good question.
4 Maybe -- I'm just envisioning a congregation and how
5 many people would be sitting in a church and how many
6 people I would have maneuvered around. Eighty to a
7 hundred maybe.

8 Q. Okay. No one you spoke to that day said, "I'm here to
9 overthrow the government"?

10 A. No. No, ma'am.

11 Q. You didn't hear that?

12 A. No.

13 Q. You --

14 A. I've -- I've never heard that ever. I haven't heard
15 that since.

16 Q. I'm just going to make sure that madam reporter -- so
17 they likely wouldn't say that to anyone?

18 MR. MILLER: Well, hold on. Speculation.

19 "Likely," so thanks.

20 MS. AHLUWALIA: That's fine.

21 OBJECTION TAKEN to answering the question: So they likely
22 wouldn't say that to anyone?

23 Q. MS. AHLUWALIA: It's reasonable that somebody
24 wouldn't say that out loud?

25 MR. MILLER: Again, that's speculation.

1 MS. AHLUWALIA: That's fine. I'll move on.

2 OBJECTION TAKEN to answering the question: It's reasonable
3 that somebody wouldn't say that out loud?

4 Q. MS. AHLUWALIA: I'm going to show you an article
5 here. Mr. Brzezicki is just going to bring it up.

6 MS. AHLUWALIA: It's the Daily Hive article,
7 Ms. Brzezicki, please.

8 Q. MS. AHLUWALIA: Have you seen this article before?

9 A. No, I don't think I have, ma'am, no.

10 Q. Have you seen something similar reporting on Nazi signs
11 and Confederate flags?

12 A. Oh, yes. Oh, yes.

13 Q. And so when you were at the protests, did you see
14 protesters carrying flags?

15 A. Yes.

16 Q. Okay. Canadian flags?

17 A. Yes.

18 Q. Any Confederate flags?

19 A. No.

20 Q. As you walked through the crowd, did you see protesters
21 carrying signs?

22 A. Yes.

23 Q. Did you see any Nazi signs?

24 A. No.

25 Q. Did you see any swastikas?

1 **A.** No.

2 **Q.** Did you see any signs or flags that you would consider
3 to be vile or violent or hateful?

4 **A.** Well, not hateful or violent, but vile, yes. May I
5 mention the one?

6 **Q.** Let me ask you my questions, and let's see if I can --

7 **A.** Just because it's the one in -- it's just because it's
8 the one in the photo, and, I mean, I've said
9 consistently I find that distasteful and -- as most
10 people do, yeah, the "F" -- the "F" one.

11 **Q.** Right. So you did see that flag that day?

12 **A.** I did see that, yes, and I denounced it.

13 MR. MILLER: So to clarify, you call it the "F"
14 one. I'm sorry. I'm just going to pop in. If you
15 wouldn't mind clarifying which flag. There's about
16 four flags in the picture.

17 MS. AHLUWALIA: I will. Mr. Ristau has identified
18 the black flag which has an expletive starting with "F"
19 and then "Trudeau" on it.

20 MR. MILLER: Thank you.

21 **Q.** MS. AHLUWALIA: And you've given your view on that
22 flag? You denounced it?

23 **A.** Yes. Oh, yes.

24 **Q.** Okay. I'm going to ask you some questions about being
25 at the National War Memorial and the Tomb of the

1 Unknown Soldier. I'll refer to that place in Ottawa as
2 the War Memorial. You've mentioned that that's where
3 you ended up that morning. And is that where you spent
4 the day?

5 A. No. I spent --

6 Q. How long --

7 A. Sorry.

8 Q. How long were you at the War Memorial?

9 A. I'd say probably 45 minutes or so. It might have been
10 an hour.

11 Q. What time did you get there?

12 A. It was just a couple of -- I want to say a couple of
13 minutes before noon, but I think it was a little bit
14 before that, maybe quarter to noon, or was it just
15 before noon?

16 Q. Okay. And then where did you go after that?

17 A. After that, we just started to walk through -- we sort
18 of started to walk towards the -- the parking lot again
19 because we wanted -- there was a little café we wanted
20 to go in and warm up and ended up chatting with lots of
21 people on -- in that pathway.

22 Q. What time did you end up at the café?

23 A. At the café. Well, I don't know. I mean, if we left
24 at around right before supper, I think that it was sort
25 of our last spot maybe, so maybe 4:00 or 3. I don't

1 quite remember.

2 Q. Okay.

3 A. But --

4 Q. I think you mentioned earlier that going to the War
5 Memorial wasn't your intention that day, that that's
6 not where you sort of wanted to go? You just ended up
7 there?

8 A. Correct. Yes. Well, I was invited. May I explain how
9 I ended up at the War Memorial or --

10 Q. I have some questions about that that --

11 A. Okay. Sure.

12 Q. So let's just focus on you made your way to the War
13 Memorial. You walked through some crowds?

14 A. Mm-hmm.

15 Q. So the War Memorial wasn't the only place the protest
16 was occurring?

17 A. No, it was not, no.

18 Q. In your estimation, how big was sort of the protest
19 area? Five blocks?

20 A. I -- I can't answer that because it was as far as I
21 could see people, and I didn't go further than the
22 Parliament and then cut over to the War Memorial and
23 then, again, back towards the parking lot area. So it
24 was sort of a triangle of -- you know, it was that --
25 that was the vicinity. But it was as far as the eye

1 could see.

2 **Q.** Okay. At paragraph 11 of your affidavit, you refer to
3 your observations of the protests being peaceful?

4 **A.** Yes, I do, yes.

5 **Q.** And they were peaceful?

6 **A.** Oh, yes. Yes.

7 **Q.** So your evidence is that the protests were peaceful
8 around where you were that day?

9 **A.** Yes. I can only testify to what I was an eyewitness
10 of, and it was a very positive, joyous occasion, as far
11 as I could tell.

12 **Q.** Okay. And you'll agree that you weren't at every part
13 of the protest that day?

14 **A.** Oh, yes, I was not at every part. There was one --
15 there was one man, sort of a homeless man, who had some
16 psychological issues, I'm sure, who was sort of fooling
17 around somewhere, and we all -- whoever I was with sort
18 of moved away from him. And I made contact with the
19 police officer, and he smiled and he kind of nodded his
20 head, and they were going to find an appropriate way of
21 sort of -- I mean, they're accustomed to that sort of
22 thing in Ottawa, and -- and they did something with
23 him, and that was the only moment that was a little
24 unsettling, I suppose.

25 **Q.** So he wasn't peaceful?

1 **A.** No, but he wasn't a protester, as far as I could tell.
2 He was simply a man. I think he was probably on his
3 way to get some food or something. There's all sorts
4 of food being given out. And I'm just saying that I
5 witnessed something unsettling for a moment, you know,
6 but it was really nothing notable or mentionable, in my
7 opinion.

8 **Q.** Okay. So let's go back to the War Memorial. And you
9 were invited to go there?

10 **A.** Yes, but can I explain what that means in terms of an
11 invitation?

12 **Q.** I'm going to ask, What purpose was the invitation?

13 **A.** Okay. Because it wasn't -- it's just -- the word
14 "invitation" -- what happened is somebody simply --
15 some veterans -- a couple of veterans saw me, and they
16 said, "Oh, you're another veteran or padre." They
17 said, "We're going to the Unknown Tomb -- the Soldier
18 of the Unknown -- the Tomb of the Unknown Soldier at --
19 at noon, so come on, join us," you know, for like a
20 photo shoot or something. I said, "Okay. If I've got
21 time, I'll try to be there, but we'll see it if works."
22 And that was the invite.

23 **Q.** And you ended up there?

24 **A.** Right. Yes.

25 **Q.** Had you been to the War Memorial before?

1 **A.** Well, yes, however --

2 **Q.** How many times?

3 **A.** Well, this is the thing. I mean, I lived in Ottawa for
4 two years, but I was away quite a lot. And so it
5 wasn't even -- there were so many people, I wasn't even
6 clear that that was actually the Tomb of the Unknown
7 Soldier, you know, like the main spot, you know,
8 that -- until sort of as I was there because I'm just
9 so used to seeing so many different monuments so...

10 **Q.** So my question was, Had you been to the War Memorial
11 prior to February the 12th?

12 **A.** Oh, yes. Oh, yes, but not like -- I guess what I'm
13 trying to say is it was, like, not a deliberate effort
14 to go. I mean, it was just sort of -- I've never gone
15 to Remembrance Day, downtown Toronto. I've gone out to
16 the local ones out in Kanata and so forth. So I've
17 been to the War Memorial as I've explored other things
18 and other monuments in Ottawa with the family or with
19 tourists and so forth.

20 **Q.** At paragraph 17 of your affidavit --

21 **A.** Yeah.

22 **Q.** -- you state that the War Memorial is a sacred and holy
23 place for you.

24 **A.** Yeah. Yes, I do, yes.

25 **Q.** Like a church or temple would be?

1 **A.** Well, I wouldn't put it on the same plane as a church
2 or temple, but I would put it on the same plane as
3 any -- any memorial that's recognizing the deceased as
4 a veteran, particular deceased soldiers. And so we
5 were -- for us, whenever we -- we were taught in the
6 military, for instance, when you go for a jog, whenever
7 you pass by even a plaque honouring those people, that
8 you -- you basically salute, you know.

9 So -- so the War Memorial wasn't -- why does it
10 say my battery is running low, and this is all plugged
11 in? Excuse me. So the -- I don't know why it says
12 that.

13 **Q.** But in your affidavit you've stated that it's a sacred
14 and holy place to you?

15 **A.** Yeah, just one moment, please. I just -- I don't know
16 why my computer says --

17 **MR. MILLER:** Can we go off the record, then,
18 while he tries to deal with this technical issue?

19 **MS. AHLUWALIA:** Yes, that's fine.

20 (DISCUSSION OFF THE RECORD)

21 **Q.** **MS. AHLUWALIA:** So we had ended off with you
22 confirming paragraph 17 of your affidavit, that you
23 said the War Memorial was a sacred and holy place.
24 Before you went to Ottawa that -- for that day, did you
25 hear anything about the protesters and the War

1 Memorial?

2 A. I'm trying to -- I think I did hear about this -- this
3 woman that was dancing on it. Was that before or
4 after? I think that was before. Because I know there
5 are three -- three incidents I remember hearing about,
6 which was this Terry Fox one -- or four, this
7 Confederate flag, this Nazi flag, and then a woman
8 dancing, and there might -- there might have been
9 another with somebody standing at the -- there might
10 have been another -- yes, in terms of the War Memorial,
11 somebody parking in front of it or something like that,
12 somebody --

13 Q. You heard about folks urinating on the War Memorial?

14 A. No, I did not hear of that, no.

15 Q. But you'll agree that one should not urinate on a
16 sacred and holy place?

17 A. Yeah, well, I -- I don't believe anyone should urinate
18 anywhere outside of a urinal or a toilet, I mean,
19 whether it be sacred or holy.

20 Q. And you'll agree that one shouldn't dance or jump on
21 the Tomb of the Unknown Soldier?

22 A. Again --

23 MR. MILLER: Well, I'm just going to -- I'm
24 going to hop in there because I understand there's been
25 some things of protesters doing X, Y, and Z, but the

1 matter at issue here is Section 2 of the CSIS Act
2 that's adopted by the Emergencies Act, which is
3 violence and --

4 MS. AHLUWALIA: Mr. Miller, I'm not even going
5 that far. I simply want to know Mr. Ristau's views
6 on --

7 MR. MILLER: Yeah, and I --

8 MS. AHLUWALIA: -- things that he's seen and he's
9 heard. He's testified --

10 MR. MILLER: I absolutely -- I understand that,
11 but what I'm saying is --

12 MS. AHLUWALIA: I'm going to stop you there.

13 MR. MILLER: Yeah, but materiality and
14 relevance, right? So, you know --

15 MS. AHLUWALIA: That's fine. What I'm asking,
16 though, if you'd just let me finish -- what I'm asking
17 is his views. He's testified that he's consumed news
18 regarding the protest before he went there. He's gone
19 to a previous protest. I'm simply asking his views.
20 He's indicated and he's testified in his affidavit that
21 the War Memorial is a sacred and holy place, so let me
22 continue with my questions --

23 MR. MILLER: No, and I understand that, but
24 what's the materiality and relevance of that, his
25 answer to it?

1 MS. AHLUWALIA: I'm asking his views of it simply.
2 He was there. He obviously had cause or found cause to
3 go to the protest, and I'm asking his views of what he
4 saw, what he heard, what he knew before he went there.
5 That's it --

6 MR. MILLER: Right, and that's fine. But
7 you're asking him his views about, you know, something
8 that was not appropriate, but it wasn't violent. So
9 I'm asking what the materiality --

10 MS. AHLUWALIA: Mr. Miller --

11 MR. MILLER: -- and relevance is.

12 MS. AHLUWALIA: -- he was happy to volunteer his
13 view on that Trudeau flag, so let me ask my questions
14 and --

15 MR. MILLER: Okay. So I'll let it -- I'll let
16 it go, but I'm not saying that any answers are material
17 or relevant. I think I've put that on the record, so
18 I'll -- I'll be --

19 MS. AHLUWALIA: That's something we can argue in a
20 motion, if it comes to that.

21 MR. MILLER: Right, a motion. He's already got
22 the -- there's going to be no motion.

23 MS. AHLUWALIA: You can argue it in --

24 MR. MILLER: So --

25 MS. AHLUWALIA: -- the challenge, then, but my

1 question to him --

2 MR. MILLER: Okay. Go ahead. Go ahead.

3 MS. AHLUWALIA: -- was what it was.

4 Q. MS. AHLUWALIA: Let's back up. Mr. Ristau, you've
5 testified that you did hear there were incidents at the
6 War Memorial. You've testified that you heard there
7 were three or four. You indicated that you knew there
8 was a woman dancing there. There were Confederate and
9 Nazi flags. You'll agree to that?

10 A. Yes.

11 Q. Okay. I asked you if you had heard about folks
12 urinating on the War Memorial, and you testified that
13 you had not?

14 A. Correct.

15 Q. These incidents have been described by folks as a
16 desecration. Would you agree with that
17 characterization?

18 A. That these incidents -- well, it -- parking in front of
19 the War Memorial I don't believe is a desecration. The
20 Confederate and Nazi flag, I don't believe that was at
21 the War Memorial. I believe the only questionable
22 example of something that someone could say that was is
23 this person dancing. And, yes, I think that's
24 absolutely inappropriate, and I think that was
25 addressed.

1 Q. Okay. You're aware that the Terry Fox statue was also
2 defaced?

3 A. I don't believe it was defaced unless there's -- I'm
4 not sure what "defaced" means. I believe -- I
5 understand there --

6 Q. Did you hear -- well, let me ask you this: Did you
7 hear that an upside-down Canadian flag was placed in
8 his hand?

9 A. I heard that there was a Canadian flag draped on his --
10 around his neck.

11 Q. But you didn't hear that it was upside down?

12 A. No, but just to note that the significance of something
13 being upside down or right side up, I mean, I
14 wouldn't -- I wouldn't be concerned if I had heard it
15 was -- I wouldn't be alarmed thinking this was a
16 deliberate act, putting something upside down. I was
17 in South America many years ago at a café --

18 Q. Well --

19 A. -- and they had a Canadian flag upside down by
20 accident, and I addressed it with them and --

21 Q. That's interesting, but the question is back to the
22 Terry Fox statue. You did --

23 A. Right.

24 Q. -- just earlier testify that you had heard something
25 about the Terry Fox statue. What had --

1 **A.** Yes.

2 **Q.** -- you heard?

3 **A.** Again, that a flag was put on his -- around his neck
4 or -- and maybe a freedom sign of some -- of something,
5 rather, but what I had understood is that it was done
6 respectfully, as this -- this hero of -- of Canadian
7 history was actually -- by his own words, was
8 testifying that he cared about many of the causes
9 that --

10 **Q.** Mr. Ristau, I'm just going to stop you there. That
11 wasn't --

12 **A.** -- protesters were there.

13 **Q.** That wasn't my question. You've answered my question.
14 Let's move on. I'm going to show you an article from
15 the National Post dated January 30, 2022, and
16 Ms. Brzezicki is going to bring that up. And we're
17 just going to scroll down a little bit. Have you seen
18 this article before?

19 **A.** It's possible --

20 MR. MILLER: Can you scroll back a little bit
21 to the title? Sorry.

22 **A.** I mean, I may have. I wouldn't -- I wouldn't be
23 alarmed by that title. It's not striking me. I tend
24 not to read the -- a lot of these medias, the entire
25 article. I glanced through some of the headings and so

1 forth, so it's possible. Am -- am I mentioned in there
2 or something?

3 **Q.** MS. AHLUWALIA: Not this one.

4 **A.** Okay.

5 **Q.** In your experience, though, you didn't see any anger
6 while you were at the protest?

7 **A.** Did I see any anger? Well, I -- I'd like to say I did
8 not see any anger, but, I mean, human emotions are --
9 are a complicated phenomenon. And I'm under oath, so I
10 don't -- nothing strikes me as anyone particular
11 angrily --

12 **Q.** You didn't witness any acts of violence while you
13 were --

14 **A.** No, nothing like that, but emotionally, yeah, I've seen
15 people weeping, and anger is -- is wrapped up in that.
16 I mean, anger is a secondary emotion of feelings of
17 guilt and injustice and fear all that, so maybe I'm
18 psychoanalyzing it too much but --

19 **Q.** You are.

20 **A.** I apologize.

21 **Q.** When you were at the War Memorial, did you see anyone
22 harming it?

23 **A.** No, I did not.

24 **Q.** When you first got to the War Memorial, there were
25 fences around it?

1 **A.** Yes. Well, there was -- if I could remember correctly,
2 there was partially a fence around it because there was
3 a lot of snow, and there were people with flowers and
4 that sort of thing. Yeah, so I'm not sure if the whole
5 thing was -- had a fence around it when I got there or
6 if some of it wasn't -- if some of it wasn't fenced and
7 the fence had been taken down because I understand that
8 there was a fence entirely surrounding it at one point.

9 **Q.** And the fence was there to prevent people from dancing
10 and jumping and going up to the War Memorial?

11 **A.** I didn't -- as I said in one interview, I didn't
12 actually know what the fence was there for. I had
13 thought that -- I was so used to going to Ottawa and
14 seeing fences for construction reasons or pipes broken
15 or that kind of thing that it didn't occur to me what
16 the significance of that fence was until after I
17 realized the significance of that fence.

18 **Q.** And at paragraph 14 of your affidavit, you state: (as
19 read)

20 I was personally present when military
21 veterans and other citizens disassembled
22 the fence surrounding the National War
23 Memorial and the Tomb of the Unknown
24 Soldier.

25 Do you see that there?

1 **A.** Oh, yes.

2 **Q.** Did you help take down the fences?

3 **A.** No, I did not.

4 **Q.** So other people were taking down the fences?

5 **A.** Yes.

6 **Q.** Were they stopped by anyone from taking the fences
7 down?

8 **A.** No, not at all. It was --

9 **Q.** Law enforcement didn't stop them?

10 **A.** No. The -- I recall the law enforcement really having
11 no difficulty. I mean, I don't know -- the law
12 enforcement were around, sort of walking around, and
13 there was just a lot of smiles and --

14 **Q.** They didn't stop anyone from taking the fences down?

15 **A.** No. No.

16 **Q.** And then you were able to go up to the steps of the War
17 Memorial, as you've put in your affidavit at paragraph
18 20?

19 **A.** Yes, I was -- I was escorted up.

20 **Q.** For what purpose?

21 **A.** Well, when I arrived at the War Memorial and the -- the
22 fences had come down then, so I -- I -- as I was
23 there -- and, again, I don't remember if there was --
24 if I can remember correctly, part of the fence was
25 taken down, but they were still taking some more down,

1 so I walked around the other side. And they were
2 moving the fence, and they had asked me --

3 **Q.** What was the purpose of you going up the steps of the
4 War Memorial?

5 **A.** Okay. Yes. They asked me if I could -- if I could do
6 a little service, and I had said, "Well, I can't do a
7 service because I'm not prepared for that, and there
8 are some doctrinal parameters around -- theological
9 things that I need to think through to do a service,
10 you know, when there's cameras and all that kind of
11 stuff," but I said, "But what I can do is say a
12 prayer." And they said, "That would be -- that would
13 be fantastic, padre," and then they --

14 **Q.** You were --

15 COURT REPORTER: One at a time, please. It's
16 getting difficult when you jump in.

17 **Q.** MS. AHLUWALIA: Were you aware that there were
18 cameras there?

19 **A.** Well, I was aware that there was -- I didn't see any
20 cameras in front of the War Memorial, but, I mean,
21 there were cameras everywhere, you know. I'm just
22 trying to recall when I did the prayer if -- if I saw
23 any media cameras, but, I mean, there's a lot of people
24 with cameras. And I was a little nervous because I
25 like to have a manuscript when I do prayers and that

1 sort of thing. I'm not into the -- the spontaneous
2 prayer sort of thing. So as soon as they asked me to
3 do a prayer, my little hamster on the wheel was
4 spinning as to how I should do this reverting back to
5 my -- my chaplain days as to what's the order of
6 service or the order of a prayer that I would use.

7 Q. Okay.

8 A. So I wasn't actually all that head space --

9 Q. I'm going to stop you there, Mr. Ristau --

10 A. I wasn't into the head space seeing all the -- if there
11 were many cameras there, what was going on with all of
12 that anyway.

13 Q. Mr. Ristau, I'm just going to ask you to focus on the
14 question I've asked. We are -- we have limited time, I
15 understand, today. You aren't available after noon our
16 time, so I just want to make sure we get through our
17 questions.

18 A. I apologize for rambling on. I apologize --

19 Q. Let's go to paragraph 18 of your affidavit. You talk
20 about news coverage by the CTV and other news outlets
21 of the prayer that day.

22 A. Mm-hmm.

23 Q. Have you seen the coverage?

24 A. I've seen clips of it. As a -- as a -- I don't tend
25 to -- okay. I don't tend to listen to my interviews

1 once I've done them. Just generally in my life, I've
2 just -- but I -- I've seen clips of them, yes.

3 **Q.** Thank you. When did you see the news coverage?

4 **A.** The next day or the evening of that day.

5 **Q.** I'm going to show a video, and this one is from
6 YouTube. Ms. Brzezicki is just going to bring it up,
7 and hopefully technology is on our side and it works.

8 (VIDEO CLIP PLAYED)

9 **Q.** MS. AHLUWALIA: Have you seen this video before?

10 **A.** No, I have not. I've only seen the one where I'm
11 praying. Oh, I think I've seen this. I don't think
12 I've seen that particular one. Oh, okay, yes, with
13 this -- this guy here, this veteran, yes.

14 **Q.** Okay. And was this -- were you anywhere near this
15 scene? Did you hear this conversation happen?

16 **A.** I don't believe -- I mean, I remember him shovelling
17 the -- I remember him doing what I'm seeing him doing
18 right now.

19 **Q.** Okay. And do you remember this?

20 **A.** Well, I think I was there in that -- yeah, there I am.
21 That is me there.

22 **Q.** Can you point out where you are?

23 **A.** Yeah, I'm the one with the yellow sign.

24 **Q.** Okay. So you're the one with the yellow sign in the
25 video.

1 **A.** Correct.

2 **Q.** Is this before or after your prayer?

3 **A.** I think that was before, but it might -- it may have
4 been after. Or it might be while I'm doing it, as a
5 matter of fact. Yes, I've taken my hat off, my beret,
6 so I'm doing the prayer there or singing "O Canada." I
7 don't have audio, just so you know. Oh, yes, I'm
8 blessing them with the Aaronic benediction from Numbers
9 21.

10 **Q.** At paragraph 26, you state there were interviews that
11 day.

12 **A.** Yeah, immediately after that, the cameras showed up, or
13 one particular one, which was the Post Millennial, and
14 then the CTV kind of just moved into that, and it was
15 rather impolite. They just sort of elbowed the other
16 people out of the way, and then the CTV was there. And
17 I didn't actually realize it was CTV until after the
18 interview, and I remember saying, "I hope you guys are
19 as generous as I -- as you display me on the news, I
20 hope you're as generous with I than I've been with you
21 in my honest, you know, candid way of talking about
22 what I've seen and experienced and why I'm here."

23 **Q.** Mr. Ristau, I'm going to show you an article. It's out
24 of the Ottawa CTV.

25 **A.** Oh, yes. I believe I've seen this one.

1 **Q.** And this is where you were interviewed by Josh Pringle,
2 the fellow that shows up on the screen here?

3 **A.** Just one moment.

4 Ma'am, I'm -- please, I can't -- you have to leave
5 for a couple hours.

6 It's the attendant at the room. Am I to -- I'm
7 not sure. Is this the one with the CTV interview they
8 did with me?

9 **Q.** Yes. And if we scroll down a little bit, you
10 provided --

11 **A.** I didn't actually read it but -- okay. Can you just
12 let me read it, please? Right. Yes.

13 **Q.** So you provided the quote that we see in the middle of
14 the page there, which starts with, "It's significant
15 that happened because people are trying to give a
16 message..." And then at the end of that quote, it
17 says, "...said retired Major Harold Ristau, Canadian
18 Armed Forces chaplain." That's you?

19 **A.** Yes, ma'am.

20 **Q.** Thank you. So after the prayers at the War Memorial,
21 CTV has news coverage. There's other cameras. You
22 interviewed with CTV. You provided a quote. You
23 willingly talked to them, right?

24 **A.** Well, yes, but just to note that, first of all, I
25 didn't know it was CTV.

1 Q. And you've stated that.

2 A. But that --

3 Q. But you did willingly talk to somebody looking --

4 A. But I'm not -- even if it was, I don't -- I believe
5 it's better to speak than not to speak, even if you
6 believe the person who's interviewing you may be --
7 have a bad intent or --

8 Q. Mr. Ristau --

9 A. -- an ulterior motive. So --

10 Q. My question --

11 A. So I did willingly speak.

12 Q. Thank you.

13 A. I did willingly speak, yes.

14 Q. And you knew they were going to publish or publicize
15 the interview and the news coverage?

16 A. Well, the CTV -- like I had said earlier, I knew Post
17 Millennial was going to post that, but it -- and I knew
18 CTV would after I had done the interview, but I didn't
19 know it was CTV. And that's why I said to the guy
20 who -- we texted a little bit after that actually. He
21 was quite a nice fellow -- that, "I hope that you're as
22 generous with me as I've been with you." I willingly
23 shared my name -- I willingly shared my name because I
24 didn't believe there was any reason not to.

25 Q. You didn't ask them not -- you didn't ask CTV not to

1 publish the interview?

2 A. No, I did not, no.

3 Q. So I'm going to show you another video here. It's a
4 Global News video. I'll just play it a little bit.
5 Are you familiar with that video?

6 (VIDEO CLIP PLAYED)

7 A. I don't believe I am, but, I mean, I think I --

8 Q. MS. AHLUWALIA: Let me ask my next question.

9 A. Yeah. Okay. I saw it, I think, that -- I saw this
10 going on, yes.

11 Q. Let me ask my next question. Let's back up. Are you
12 familiar with this video? Have you seen this video
13 before?

14 A. No, I do not believe I've seen this video, no.

15 Q. Okay. What's happening in the video, did you see that
16 when you were at the War Memorial?

17 A. Yes.

18 Q. So you were an eyewitness to what is happening in the
19 video, what we're seeing?

20 A. Yes, ma'am.

21 Q. We're just going to -- excuse me. There's a clip that
22 I just want to see; and, unfortunately, I don't think
23 we'll get to see video -- or hear any audio.

24 (VIDEO CLIP PLAYED)

25 Q. MS. AHLUWALIA: So right here -- if we can just

1 stop there, Ms. Brzezicki -- did you witness this
2 gathering happen?

3 A. No, I did not.

4 Q. So you don't know what conversation the police and the
5 vets are having here?

6 A. No, I have no clue, no.

7 Q. Okay. Thank you. Those are my questions on that
8 video.

9 MR. MILLER: Ma'am, do you want to -- you've
10 put a couple of videos to him that he's recognized and
11 an article. Do you want to mark them for
12 identification, or is --

13 MS. AHLUWALIA: We should do that.

14 MR. MILLER: Yeah.

15 MS. AHLUWALIA: My apologies, madam reporter, but
16 we should mark those for identification.

17 COURT REPORTER: You'll have to go through and
18 explain exactly what each one is so I can mark them
19 properly. I won't know which one is which.

20 MS. AHLUWALIA: Okay. Let's back up. I believe
21 the first one that we looked at was --

22 MR. BRZEZICKI: Sorry to interrupt. Madam court
23 reporter, I have them diarized as exhibits, so I will
24 be able to send them to you in the order they've
25 appeared.

1 COURT REPORTER: They should still have some kind
2 of description on the record, please.

3 MS. BRZEZICKI: Of course. So Exhibit A was the
4 Memorandum of Understanding. Exhibit B was the Daily
5 Hive article. Sorry about that dog barking. Exhibit
6 D -- sorry. Exhibit C was the National Post article.
7 Exhibit D was the YouTube video. Exhibit E was the CTV
8 article. And, lastly, Exhibit F was the Global News
9 that we just saw.

10 MR. MILLER: And there's no objection to those
11 being marked for identification only.

12 COURT REPORTER: And are counsel fine with those
13 descriptions, then, just YouTube video and Global News
14 article, and the like? That's fine? Okay.

15 MS. AHLUWALIA: I believe Mr. Miller is nodding
16 yes.

17 MR. MILLER: Yes. Sorry.

18 EXHIBIT A FOR IDENTIFICATION - A copy
19 of a document entitled "Introduction to
20 The Memorandum of Understanding (MOU)"

21 EXHIBIT B FOR IDENTIFICATION - A copy
22 of a Daily Hive article with the title
23 "'Vile, violent, and hateful': Leaders
24 denounce Nazi, Confederate flags at
25 Ottawa protest"

1 EXHIBIT C FOR IDENTIFICATION - A copy
2 of a National Post article titled
3 "Convoy organizers plan to stay in
4 Ottawa after weekend protests spark
5 anger"

6 EXHIBIT D FOR IDENTIFICATION - A
7 YouTube video titled "Veterans remove
8 barriers from Ottawa War Memorial and
9 sing O'Canada"

10 EXHIBIT E FOR IDENTIFICATION - A copy
11 of a CTV article titled "Protesters
12 tear down fencing around the National
13 War Memorial"

14 EXHIBIT F FOR IDENTIFICATION - A copy
15 of a Global News article titled "Convoy
16 protesters tear down fence protecting
17 National War Memorial"

18 **Q.** MS. AHLUWALIA: I'm going to take you to another
19 article here. It's another Ottawa CTV News article.

20 MS. AHLUWALIA: And before I ask my questions on
21 those, madam reporter, is it helpful -- I think we
22 would like to have the dates of the videos, so is that
23 something that we can send you by email?

24 COURT REPORTER: Yes, that's what I was hoping, was
25 that somebody could give me an appropriate description

1 for exactly how you would like to see it in the record
2 so we can actually distinguish and know what we're
3 speaking of. It would be helpful, or even if you can
4 just mention it now as we're going through them if you
5 know you're going to mark them.

6 MS. AHLUWALIA: I will going forward. For the
7 ones that we've dealt with, what I'll do is we'll
8 circulate a list to Mr. Miller with the dates just so
9 that, you know, he can voice any disagreement if he has
10 any, and then we can forward that to you just to
11 supplement the information we have already on record.

12 COURT REPORTER: Okay.

13 Q. MS. AHLUWALIA: Mr. Ristau, the article before you
14 here, "The Freedom Convoy demonstration continues in
15 Ottawa: Top stories in Ottawa this week," have you seen
16 this article before?

17 A. I believe I have seen that one because the picture
18 looks familiar.

19 MS. AHLUWALIA: And if we just scroll down,
20 Ms. Brzezicki, please.

21 Q. MS. AHLUWALIA: And just the third paragraph
22 there, do you recall reading that on Sunday, "Mayor Jim
23 Watson Declares a State of Emergency."

24 A. On Sunday -- again, I -- I recall the picture. I don't
25 recall reading this article, but I'm just -- I knew

1 there was a state of emergency.

2 **Q.** Okay.

3 **A.** But I don't remember, you know, when this was -- oh, so
4 this was the day after. Is this the 15th?

5 **Q.** This would have been the day -- the week before that
6 you --

7 **A.** Oh, this is the week before. No, I don't remember
8 reading --

9 **Q.** But you've answered my question. You were aware there
10 was a state of emergency?

11 **A.** Yeah, I think the whole -- I think the whole -- wasn't
12 the whole year a state of the emergency? Was it the
13 whole month? It was unclear to me what even a state of
14 emergency meant until the Emergencies Act was put in
15 place.

16 **Q.** Okay. My next question on this is, The article here
17 says on Monday, which would have been about five days
18 before you attended at the protests, Mayor Watson sent
19 a letter to the federal and Ontario governments asking
20 for additional officers; were you aware of that?

21 **A.** I was aware of more officers coming into Ottawa, yes.
22 I don't know if it was from this article. Again, I
23 don't know if I've read this article, but the -- the
24 information, I was aware of. But just -- just to note,
25 I mean, it makes sense that you have police when you

1 have a lot of people coming together in one place. So,
2 I mean, that was actually quite consoling to me in
3 terms of visiting so...

4 **Q.** That's great. And then you've got a comment here
5 saying: (as read)

6 Chief Peter Sloly said there was a near
7 riot in downtown Ottawa when officers
8 moved in to seize fuel.

9 Do you see that comment there?

10 **A.** I do see that here, yes, I do.

11 **Q.** Have you heard anything about the near riot?

12 **A.** I've heard nothing of near riot, but I did know about
13 the seizing the fuel.

14 **Q.** Okay. And then later on, further down a couple
15 paragraphs, we're on Friday. And the article says: (as
16 read)

17 On Friday, Premier Doug Ford declared a
18 province-wide state of emergency.

19 And that would have been the Friday before you attended.
20 Do you recall hearing about that?

21 **A.** Again, as I answered just prior, I thought that this
22 province was in a complete state of emergency for
23 several months over the COVID that -- so -- but, again,
24 not from this article. But there was a general -- what
25 I was aware of is that the government had no appetite

1 for us to be in Ottawa protesting --

2 **Q.** Sir, with respect, that wasn't my question. My
3 question was simply, Were you aware that there was a
4 province-wide state of emergency declared the day
5 before you attended at the War Memorial?

6 **A.** Not -- not an official state of emergency. What I'm
7 trying to say is I'm not -- I was not clear on what
8 even "state of emergency" means --

9 **Q.** Thank you.

10 **A.** -- until the state of emergency. That's all I'm trying
11 to say.

12 **Q.** Thank you. That's helpful. I just want to go back to
13 the news. You've been on the news with respect to the
14 protests? You've been on CTV News? You've been on
15 independent news sites, correct?

16 **A.** Yes, ma'am.

17 **Q.** You've been interviewed?

18 **A.** Yes, I have, ma'am.

19 **Q.** You've given your full name?

20 **A.** Yes, ma'am.

21 **Q.** You're happy you participated in the interviews?

22 **A.** Yes. Again, even if somebody spins it a way I wouldn't
23 like it, I think it's more important that we're able to
24 speak and dialogue as opposed to not speak at all.

25 That could be an -- by not speaking, it's as if you

1 have something you're ashamed of or hiding, and as a
2 clergyman, you know, we're -- we're about telling the
3 truth.

4 **Q.** You've given a lot of other interviews after your
5 attendance at the War Memorial, right?

6 **A.** I have, ma'am.

7 **Q.** I'm going to show you a Twitter post here, and this
8 Twitter post is dated February 23rd, and at the top
9 there, can you see that there's a name "Anne"?

10 **A.** I see the word "Anne," yes.

11 **MR. MILLER:** So I'll let you up to a point, but
12 I'm just going to let you know, because this is well
13 after the facts in issue -- it says February 23rd. I'm
14 assuming it's 2022. I don't see any materiality or
15 relevance to your question, and so I'm going to object
16 to it based on the date but --

17 **MS. AHLUWALIA:** You don't know my question. I
18 haven't --

19 **MR. MILLER:** I know. But I'm just -- I'm
20 giving you a heads-up. You're welcome to finish the
21 entirety of your question, but I'm objecting to
22 everything in this document being asked due to
23 relevance and materiality, but I will just let you know
24 now.

25 **MS. AHLUWALIA:** Well, I haven't asked my question,

1 so you --

2 MR. MILLER: I know. I know, but you're asking
3 about this specific document that's given rise well
4 after the fact when the Emergencies order was invoked
5 on February 14th and then the regulation February 15th,
6 which is what's in issue so --

7 MS. AHLUWALIA: Mr. Miller, it would be helpful if
8 you didn't -- if you didn't give evidence and --

9 MR. MILLER: I understand.

10 MS. AHLUWALIA: -- if you also --

11 MR. MILLER: I understand.

12 MS. AHLUWALIA: -- let --

13 COURT REPORTER: One at a time, please, counsel.

14 MS. AHLUWALIA: Let me finish, Mr. Miller. You
15 cannot give evidence, so that's improper. You cannot
16 make an objection before I've asked a question. That's
17 improper. And --

18 MR. MILLER: I've given you the reason that --
19 I'm giving you the heads-up. Please just go ahead, and
20 I'll object as you ask the questions.

21 MS. AHLUWALIA: I am going to ask that you wait
22 until I at least ask the question or get to where I'm
23 going with whatever I'm putting up on the screen.

24 MR. MILLER: I've told you I'll wait until you
25 ask the question. Please proceed.

1 Q. MS. AHLUWALIA: Mr. Ristau, do you know who this
2 Anne person is?

3 A. No, I do not.

4 Q. Thank you. We're going to click on the article that's
5 been posted here. It's from thefederalist.com. Do you
6 know or are you familiar with thefederalist.com?

7 A. I --

8 MR. MILLER: Objection.

9 Q. MS. AHLUWALIA: I'm sorry? I did not hear your
10 answer.

11 A. Well, there's been an objection, so I'm not sure what
12 happens. I mean, do --

13 Q. All I asked is if you were familiar with
14 thefederalist.com.

15 MR. MILLER: You can answer that, Mr. Ristau,
16 but please wait until her questions are asked.

17 A. I know The Federalist, the newspaper.

18 Q. MS. AHLUWALIA: Okay. Have you seen this article
19 before?

20 MR. MILLER: Again, I'm going to object. It
21 says it's from February 21, 2022. It has no
22 materiality or relevance to why or whether or not the
23 Emergencies Act was invoked, so I'm not permitting you
24 to question about this -- this article, as I already
25 stated.

1 MS. AHLUWALIA: This is an article -- this is an
2 interview that Mr. Ristau gave himself, and he speaks
3 to his experience at the protests. So he's testified
4 today -- he's put an affidavit in this action speaking
5 to his experience at the protest, and he continues to
6 speak to it, and this article is dated February 21st,
7 so it is absolutely material to the affidavit that he's
8 sworn. So I will ask my questions --

9 MR. MILLER: Well, if you're going to put
10 certain statements -- I haven't seen this document,
11 right? So if you're going to put certain statements
12 that he has said in the article to him about what
13 happened on or prior to February 15th, 2022, that's
14 fair, and I've told you this before. But --

15 MS. AHLUWALIA: Well, if you would just let me ask
16 my questions --

17 MR. MILLER: Yeah.

18 MS. AHLUWALIA: -- then that would likely address
19 where you're going with this. I am absolutely going to
20 ask him about the quotes that have been made from him
21 in this article.

22 MR. MILLER: Okay.

23 MS. AHLUWALIA: So you need to just stop
24 interrupting, please.

25 MR. MILLER: I'm objecting. I'm not

1 interrupting, okay?

2 MS. AHLUWALIA: But it's not a valid objection
3 when I haven't even asked a question.

4 MR. MILLER: I've asked you and said to you
5 there's problems with this document because it's from
6 prior to -- or, sorry, after February 15th, 2022. So
7 you're trying to say that the things that he said or
8 did after the fact has some relevance or materiality to
9 the invocation of the Emergencies Act and its
10 regulations. I --

11 MS. AHLUWALIA: Madam reporter, I'm going to ask
12 to go off record and that Mr. Ristau somehow be put
13 into a breakout room. These are not conversations or
14 discussions that the witness should be party to.

15 COURT REPORTER: Are you fine with that, then,
16 Mr. Miller?

17 MR. MILLER: Sure.

18 MS. AHLUWALIA: Mr. Ristau, we're just going to
19 put you in a breakout room while counsel discuss your
20 counsel's objection.

21 (DISCUSSION OFF THE RECORD)

22 MS. AHLUWALIA: Mr. Miller, let me speak, so don't
23 interrupt. You cannot peremptorily object to a
24 document or questions. I'm asking you if he's seen it.
25 I'm going to ask him questions about it. If he has

1 seen it or not, I -- this is my cross.

2 MR. MILLER: I get it, and I'm allowed to --

3 MS. AHLUWALIA: You don't get it because you've --

4 MR. MILLER: You've heard --

5 MS. AHLUWALIA: -- done this several times now --

6 MR. MILLER: You've heard my objection and why

7 I've made it. Why don't you let me read the article

8 and see what you're going to put to him with respect to

9 prior statements, and I'll let you know whether I

10 maintain the objection? So if your -- your colleague

11 could scroll down and let me see what it is this is

12 about.

13 MS. AHLUWALIA: We will do that, but before you

14 get to that, you cannot start imputing evidence into

15 your objection. That's highly improper.

16 MR. MILLER: Well, I'm giving you reasons based

17 on what the document says.

18 MS. AHLUWALIA: Well, then I suggest, going

19 forward, if you are objecting, that you stop, we go --

20 we put Mr. Ristau in a breakout room, and then you can

21 continue your discussion.

22 MR. MILLER: Okay. Can I read this before I

23 decide whether or not I'm going to remove the

24 objection?

25 MS. AHLUWALIA: You absolutely can read it. I

1 don't agree with your objection.

2 MR. MILLER: Okay. Okay. You can keep going
3 down. Okay. Okay. Okay. Okay. Mm-hmm. Mm-hmm.
4 Mm-hmm. Yep. Thank you.

5 MS. AHLUWALIA: Having read the article,
6 Mr. Miller, are you maintaining your objection?

7 MR. MILLER: Well, I don't see its materiality
8 or relevance, but if you want to ask him some stuff
9 about it, I won't object to it as a whole. There is
10 some statements in there about what he saw, but not all
11 of them are material and relevant. So you can ask --

12 MS. AHLUWALIA: And that, you can argue in the
13 challenge itself, but today, I will ask him the
14 questions.

15 MR. MILLER: Yeah, yeah. No, and you can --
16 you can ask him the questions, but I'm going to object
17 to the ones that I don't think are material and
18 relevant, as you asked, so you --

19 MS. AHLUWALIA: But, Mr. Miller, making out the
20 case for materiality and relevance is my job at the
21 challenge --

22 MR. MILLER: Yeah, that's what I'm saying so --

23 MS. AHLUWALIA: -- and we're not there yet. So I
24 need to be able to ask --

25 MR. MILLER: Yeah, but if I -- I get it. You

1 ask it, but I -- if I object, then we make that
2 application, so -- and then that application results
3 in --

4 COURT REPORTER: Pardon? Say that last sentence,
5 please.

6 MR. MILLER: So if I object and then he doesn't
7 answer the question, that's where the application for
8 materiality and relevance is brought, and then he's
9 compelled to ask it. So I'll let you go through it,
10 but my blanket objection originally is from February
11 21, 2022, but he does describe -- I hadn't seen the
12 article until you let me read it, but he does describe
13 some of the events from prior to that, so with respect
14 to those, you can go ahead and ask those questions.

15 MS. AHLUWALIA: He specifically describes events
16 or his observations and experience at the protest.

17 MR. MILLER: Right, in some of those things in
18 there. But, yeah, so if you want to ask him about his
19 descriptions in there about what he observed,
20 absolutely, go ahead. But I don't see his opinion
21 about various things as very relevant here today, so go
22 ahead.

23 MS. AHLUWALIA: Okay. Let's bring Mr. Ristau
24 back, and he may need time to read the article as well,
25 and we can provide him with that time. Thank you,

1 madam reporter.

2 (DISCUSSION OFF THE RECORD)

3 **Q.** MS. AHLUWALIA: Mr. Ristau, you're back. I
4 understand that your counsel has withdrawn his blanket
5 objection to me asking questions on this article and
6 that we'll allow you some time to read the article to
7 refresh your memory, and then I will proceed with my
8 questions. So let us know when you've read the
9 article. Ms. Brzezicki will scroll down at the speed
10 that you prefer. Just let her know when you're ready
11 to scroll down, and she'll move through the article so
12 you can read it.

13 **A.** Okay. Please continue scrolling, please. Please
14 continue to scroll down, please. Continue, please.
15 Okay. Continue to scroll down, please. Continue,
16 please. Continue, please. Continue, please. Just a
17 little bit up, if you don't mind. Thank you.
18 Continue, please. Continue, please. Continue, please.
19 Okay. That's -- I've read it.

20 **Q.** Does that refresh your memory in terms of being
21 interviewed for this article?

22 **A.** Oh, I don't need a refresher for my memory being
23 interviewed. I was interviewed by The Federalist.

24 **Q.** Okay. I'm just going to pop down to one particular
25 paragraph.

1 MS. AHLUWALIA: Ms. Brzezicki, the one that starts
2 "For his peaceful participation..." I think it's a
3 little bit further down, "For his peaceful
4 participation in this public" -- there we go.

5 Q. MS. AHLUWALIA: Do you see that paragraph there,
6 Mr. Ristau?

7 A. I do, yes.

8 Q. And it states: (as read)
9 For his peaceful participation in this
10 public assembly, Ristau has faced
11 criticism and threats from fellow
12 pastors, fellow citizens, and the
13 government-run Canadian media, and the
14 government itself.

15 That's what you said in the interview?

16 A. Yes.

17 Q. And I just want to --

18 A. I'm just -- I'm trying to remember. Criticism from
19 fellow pastors, fellow citizens, government-run media,
20 and the government itself. Well, yes, but to different
21 degrees, just to note, you know. Anyway --

22 MS. AHLUWALIA: We'll just go down to one more
23 paragraph, the one that starts with "Due to the videos
24 of him praying...", Ms. Brzezicki.

25 Q. MS. AHLUWALIA: And that paragraph there starts

1 with: (as read)

2 Due to the videos of him praying at the
3 protest, Ristau told The Federalist he
4 received a death threat confirmed by
5 local police, besides other forms of
6 severe social rebuke.

7 Do you see that there?

8 A. Yes, yes.

9 Q. And that's what you told the interviewer?

10 A. Yes.

11 Q. Okay. So we're done with this article. And I just
12 want to go to paragraph 32 of your affidavit now.

13 MR. MILLER: Ma'am, do you want to mark this as
14 the next exhibit for identification, the article?

15 MS. AHLUWALIA: Yes, please.

16 MR. MILLER: Yeah.

17 MS. AHLUWALIA: And it's dated February 21st,
18 madam reporter.

19 COURT REPORTER: Thank you.

20 EXHIBIT G FOR IDENTIFICATION - A copy
21 of an article from thefederalist.com
22 dated February 21, 2022

23 Q. MS. AHLUWALIA: Mr. Ristau, let's go to paragraph
24 32 of your affidavit.

25 A. Yes, ma'am.

1 Q. And you reference a voicemail in that paragraph.

2 A. Yes, I do.

3 Q. And that voicemail is from the veteran that you say was
4 threatening you?

5 A. It is.

6 Q. Okay. When did that happen? Do you recall the date?

7 A. Well, it happened -- do I have the date down, the
8 actual date that it happened --

9 Q. Just the date.

10 A. -- there? Well, it was --

11 Q. You --

12 A. I think it was the Wednesday.

13 Q. Okay. Wednesday after you --

14 A. Wednesday or Thursday, yes.

15 COURT REPORTER: One at a time, please.

16 A. Wednesday or Thursday, but I just -- I thought the date
17 was written there somewhere so -- again, I'm not good
18 with numbers and all that, but yes.

19 Q. MS. AHLUWALIA: So let's --

20 A. Well, it says February 16th. It was all the same
21 event, these -- all these items on the sheet, we're
22 referring to that same event.

23 Q. So the voicemail occurred on February 16th?

24 A. Right.

25 Q. The police report, you made on February 16th?

1 **A.** Yes, it was all at the same time, yes. I had the
2 police -- the -- the threat to the secretary happened
3 just a few minutes prior, and then he tried getting a
4 hold of me, which allowed me enough time to get a hold
5 of the police. And then they were on the other -- I
6 was on a landline with the --

7 **Q.** I'm not asking you that yet.

8 **A.** Okay. Oh, sorry.

9 **Q.** Thank you. Did you -- you gave the voicemail to the
10 police?

11 **A.** No, I didn't give the voicemail to the police.

12 **Q.** Okay.

13 **A.** I have it -- I have it on my -- my phone, the physical
14 phone in my office, you know, one of the old kind of
15 phones that registers all the voicemails, but because
16 we didn't do a -- press charges --

17 **Q.** You've answered my question.

18 **A.** Okay. Sorry, ma'am. Sorry.

19 **Q.** You didn't give it to the police, but you didn't attach
20 it here either, the content of it, right?

21 **A.** No. I -- it's on my phone at work, but I haven't been
22 asked to provide it. I could provide it, but I would
23 have to go and find a way of --

24 **Q.** You've answered my question.

25 **A.** Okay. Sorry, ma'am.

1 Q. In paragraph 32, you say you filed a police report?

2 A. Yes.

3 Q. And then you've said that was on February 16th as well?

4 A. Yes, ma'am.

5 Q. You didn't attach a copy of that police report here.

6 A. No, but I could retrieve it from -- if need be. I

7 mean --

8 MR. MILLER: And we don't take issue with -- I
9 know the government has a position with undertakings in
10 Federal Court. I don't have that position. If you're
11 going to ask for undertakings, you're welcome to. And
12 if you want -- it's just I would undertake and he
13 wouldn't have an issue doing it, but I would have to
14 under, I believe --

15 MS. AHLUWALIA: Mr. Miller --

16 MR. MILLER: -- FOIP -- like, if you want me to
17 produce them, I can, but I think I have to redact
18 from --

19 MS. AHLUWALIA: Mr. Miller, once again, you're
20 jumping in, and I didn't ask for an undertaking.

21 MR. MILLER: Okay. Well, I'm just -- I'm just
22 making clear that we don't have an issue --

23 MS. AHLUWALIA: I know -- I know I can ask for
24 undertakings. I'm aware of that. I didn't ask for
25 one.

1 MR. MILLER: Okay.

2 MS. AHLUWALIA: I do have quite a few more
3 questions to get through, and I know we're running
4 short on time.

5 MR. MILLER: Right. Go ahead.

6 Q. MS. AHLUWALIA: In paragraph 33 of your affidavit,
7 Mr. Ristau, you say the PTSD veteran, the person that
8 was threatening you, accused you of desecrating the War
9 Memorial?

10 A. Yes, ma'am.

11 Q. Did you?

12 A. No, ma'am.

13 Q. He called you an insurrectionist?

14 A. Yes.

15 Q. Are you?

16 A. No.

17 Q. He's accused you of being a supporter of Naziism?

18 A. Yes.

19 Q. Are you?

20 A. No.

21 Q. He's made other false accusations that you refer to or
22 allude to in your affidavit?

23 A. Yes.

24 Q. What were they?

25 A. When you say -- can you point to me where the false

1 accusations -- like, where are we looking in terms of
2 other false accusations?

3 MR. MILLER: Paragraph 33 of your affidavit.

4 A. Accused me of desecrating the War -- okay. Right.
5 Yeah, I'm just trying to recall the conversation on the
6 phone, that I was not an honourable veteran being of
7 the same command --

8 Q. And --

9 A. -- from the same unit as well --

10 Q. -- do you believe that, that you're not honourable?

11 A. No, of course not.

12 Q. Okay. Let's go to paragraph 37.

13 A. Yes.

14 Q. You say that the PTSD veteran was emboldened by the
15 Emergencies Act?

16 A. Right.

17 Q. That's your belief?

18 A. It is my belief, yes.

19 Q. Did he say that?

20 A. No, he did not say that.

21 Q. Okay.

22 A. But can I note why I -- can I say something about this
23 or not?

24 Q. That's not my question.

25 A. No, but am I -- can I do a noted -- like, just to note

1 that -- why I would say this? I mean --

2 **Q.** I have another question that I'm going to ask, and so
3 we may get there. You also say in paragraph 37: (as
4 read)

5 I believe the Emergencies Act labelled
6 anyone who supported the protests as an
7 enemy of the state and an
8 insurrectionist.

9 And that is your belief?

10 **A.** It is, yes.

11 **Q.** I'm just going to pull up a copy of the Emergencies
12 Act, and this was the one available on the Justice
13 website. Have you seen this before?

14 **A.** I've seen the Emergencies Act, yes.

15 **Q.** Okay. And you've read the Act?

16 **A.** Yes, but I -- I haven't -- like, if you're going to ask
17 me something to recall in the Act, I'd prefer to read
18 it again. Like, I can't just --

19 **MR. MILLER:** And we're getting --

20 **A.** I haven't memorized it or anything.

21 **MR. MILLER:** I'm not going to object. I'm just
22 going to give you note, like, I've played this
23 questioning about acts and other folks have, but I will
24 object to questions of law. But whatever he knows, if
25 you're asking his knowledge, no objection.

1 MS. AHLUWALIA: Once again, Mr. Miller, you've
2 jumped in before I've even asked my question. Clearly,
3 I understand that Mr. Ristau is not a lawyer, and so he
4 would not be able to answer questions on the law. I
5 simply asked him if he's seen the Emergencies Act.
6 He's answered yes. I've asked him if he's read it.
7 He's answered yes. I also understand from his answer
8 that he has not memorized it, is what I inferred,
9 and --

10 MR. MILLER: Right.

11 MS. AHLUWALIA: -- that's fair.

12 MR. MILLER: Okay.

13 Q. MS. AHLUWALIA: Can you point me to the Act where
14 it says that folks are enemies of the state or
15 insurrectionists if they attend a protest?

16 MR. MILLER: Objection.

17 OBJECTION TAKEN to answering the question: Can you point
18 me to the Act where it says that folks are enemies of
19 the state or insurrectionists if they attend a protest?

20 Q. MS. AHLUWALIA: Mr. Ristau, were you arrested
21 while at the protest?

22 A. No.

23 Q. Were you detained by the police or law enforcement?

24 A. No.

25 Q. Were you called a terrorist by any law enforcement?

1 **A.** No.

2 **Q.** Let's go to paragraph 39. You talk here about your
3 employer. Who is your employer?

4 **A.** It's the seminary, Concordia Lutheran Theological
5 Seminary.

6 **Q.** And that's where you're a professor at?

7 **A.** Yes, ma'am.

8 **Q.** And you say here that the college spoke to you -- or
9 that someone at the college needed to speak to you.

10 **A.** Yes, my -- the president of the seminary.

11 **Q.** And you say it's because of the Emergencies Act?

12 **A.** Well, yes, it's because of the Emergencies Act and
13 what -- what the -- how that played out that week in
14 terms of particularly the threat.

15 **Q.** Okay. Did the president say that's why they were
16 speaking to you?

17 **A.** About the threat --

18 **Q.** Because of the --

19 COURT REPORTER: Pardon? Repeat the question,
20 please.

21 **Q.** MS. AHLUWALIA: Did the president say they were --
22 he needed to speak to you because of the Emergencies
23 Act?

24 **A.** No, he did not say we have to discuss the Emergencies
25 Act. No, he didn't.

1 Q. Okay.

2 A. I don't recall him -- he might have used the Emergency
3 Act in the conversation, but I don't know if that
4 happened either. I don't recall if he...

5 Q. And at paragraph 40, you say that you are now required
6 to put a disclaimer on all your correspondence.

7 A. Yes.

8 Q. And on your email accounts.

9 A. But it's -- but it's not as strict anymore, as we've
10 kind of walked through history here so...

11 Q. And you say that's because of the Emergencies Act that
12 you had to do that?

13 A. Well, it was the same -- it arose at the same -- in
14 that same conversation regarding how to address what --
15 the fallout of what had happened in those last few
16 days.

17 Q. And it's not because you were on the news and you gave
18 interviews and --

19 A. Oh, yes. Well, yes, it was -- it was also regarding
20 the -- the whole event of doing the prayer too as well,
21 I mean, the whole package --

22 Q. But praying isn't illegal.

23 A. It was the association of me with the Emergencies Act,
24 in my mind, because -- and we Lutherans are law-abiding
25 citizens, to the best that we're able, and we -- for --

1 for this to have -- when this all happened, people were
2 quite confused as to -- I had to justify my behaviour,
3 in some sense, and --

4 **Q.** Okay. You've answered my question, though, Mr. Ristau.
5 Let's go to paragraph 43. Here, you say that you were
6 being threatened, intimidated, guilted, shamed,
7 shunned, and ostracized within your religious community
8 in a way that would not be occurring but for the
9 Emergencies Act being invoked?

10 **A.** Correct.

11 **Q.** How did the Emergencies Act do that?

12 **A.** Well, like I was saying to the -- my response to the
13 last question is that it was confusing for people to
14 understand -- as they looked at the media that had
15 basically painted us as insurrectionists, to understand
16 how a seminary professor and a man of the cloth could
17 be associated or affiliated with this terrible
18 movement. So that's when the emails --

19 **Q.** Let me ask you this.

20 **A.** -- and phone calls started rolling in and so forth.

21 **Q.** Okay. Let me ask you this: The Emergencies Act didn't
22 isolate you for your participation in the protest?

23 **A.** Well, the Emergencies Act is -- is -- isn't a -- I
24 mean, my name is not in the Emergencies Act. I mean,
25 the Emergencies Act doesn't speak about me personally

1 obviously. I mean, I'm not sure what you mean.

2 Q. Well, that's what I mean. You answered my question.

3 A. Right. No, correct.

4 Q. And your accounts weren't frozen --

5 A. Well, that's an interesting --

6 Q. -- under the Emergencies Act?

7 A. That's an interesting question, ma'am, because just --

8 Q. Yes or no; were your accounts frozen under the --

9 MR. MILLER: Let him answer the question. Let
10 him answer the question.

11 A. Because I had a phone call from somebody in a place
12 of -- somebody in a position of authority in the
13 Government of Canada who said to me, "Harold, take
14 three months' salary out of your -- or take three
15 months that you can live on out of your account because
16 you're on the list," and --

17 Q. MS. AHLUWALIA: Mr. Ristau, I'm going to stop you
18 there. Where is that in your affidavit?

19 A. Well --

20 MR. MILLER: Let him finish answering the
21 question, and then you can --

22 MS. AHLUWALIA: Well, no, my question is --

23 A. It's not new information.

24 MR. MILLER: He wasn't -- he wasn't finished
25 his question [verbatim].

1 **A.** They didn't -- they didn't -- when the affidavit was
2 put together, not everything -- we had at least 2 hours
3 of discussion on the telephone, and, you know, not
4 everything was captured there, but that's --

5 **Q.** MS. AHLUWALIA: Let me just stop you there. When
6 did this conversation happen?

7 **A.** Pardon me?

8 **Q.** When did you have this conversation with the government
9 official? What date?

10 **A.** I think it was that -- the Friday morning right after.
11 Was it -- I think it was the Friday morning, so
12 whatever this --

13 **Q.** And who is this government official? What position?

14 **A.** This is the thing. I'm not -- I'm not -- I'm part of a
15 unit that I can't -- I'm not comfortable answering
16 questions regarding my old unit. I'm still under --

17 COURT REPORTER: Sorry. "I'm still" what?

18 **A.** When I was in soft com. I'm not comfortable answering.

19 MR. MILLER: And you can't because -- let's
20 make it clear. Though you've said what you've said,
21 what you've said only comes to you due to a former
22 classified position, and at that point in time, I was
23 going to -- I know, ma'am. I thought this might
24 happen. It's one of the reasons why I don't think -- I
25 know he's answered it. He's trying to be honest, but

1 he can't answer the question. You can ask whatever you
2 like, but it's very strange for a non-government lawyer
3 to have to object on the basis of some classified
4 information, but I will --

5 MS. AHLUWALIA: Well --

6 MR. MILLER: Go ahead. Go ahead. Go ahead.

7 MS. AHLUWALIA: (a), first of all, you're
8 testifying again. You're putting evidence on the
9 record that counsel --

10 MR. MILLER: I'm not.

11 MS. AHLUWALIA: -- should not do. Yes. The
12 second issue is that it's something that your client
13 has answered, he's raised himself, so it's a little bit
14 challenging when a witness --

15 MR. MILLER: I agree.

16 MS. AHLUWALIA: -- introduces something and --

17 MR. MILLER: I agree.

18 MS. AHLUWALIA: -- and then doesn't want to speak
19 to it, but let me go back to my questioning here.

20 **Q.** MS. AHLUWALIA: Mr. Ristau, your accounts were not
21 frozen, correct?

22 **A.** No, my accounts -- my accounts were not frozen,
23 correct. May I -- may I just mention that my wife's
24 name was on the list that --

25 **Q.** You've answered my question, sir. Your wife isn't a

1 witness here today. You are.

2 A. Well, it's just that it was a joint account and --

3 Q. Okay. You've answered my question. Okay. Let's go to
4 paragraph 44 of your affidavit. In here, you claim
5 that your freedom of religion is impaired. Do you see
6 that there?

7 A. Yes.

8 Q. How is your freedom of religion impaired?

9 A. I can't speak as a dignified, honourable member of my
10 church without basically being perceived as an
11 insurrectionist and someone evil and bad. And that
12 continues to be why I'm quite reluctant to speak within
13 my own church circles, because of that perception and
14 trying to maintain good order and peace in my own
15 church body.

16 Q. You testified that you're still a reverend?

17 A. Of course I am, yes.

18 Q. And you're still going to church?

19 A. Yes.

20 Q. And you're still speaking at church, doing sermons?

21 A. Ma'am, I'm moving out of the country. I'm moving to
22 Africa this August. I've just received my religious
23 exemption from WestJet. I'm waiting for my passports.
24 They're two months delayed. The reason --

25 Q. Sorry. That --

1 **A.** One of the reasons I'm leaving is because my
2 reputation.

3 **Q.** Mr. Ristau --

4 **A.** Yes, ma'am?

5 MR. MILLER: You've heard him answering the
6 question.

7 MS. AHLUWALIA: No, he didn't answer my question
8 actually. My question simply was that since -- let me
9 rephrase my question and make it more particular so he
10 can actually answer the question I'm asking.

11 **Q.** MS. AHLUWALIA: Since February 12, 2022, you
12 haven't been prevented from going to church by anyone?

13 **A.** No. But there are people that choose not to come to
14 church because I'm there. I'll just say that.

15 **Q.** In paragraph 44, you also say that worship of the War
16 Memorial has been impaired. Have you gone to the War
17 Memorial since February 12th?

18 **A.** Yes, I have.

19 **Q.** How many times have you been there?

20 **A.** Once.

21 **Q.** Okay. And what did you do when you were there --

22 **A.** It was during the Rolling Thunder event, and I had no
23 intent of going. I had another chaplain scheduled to
24 go, and he got ill at the last minute, and then -- so I
25 reluctantly went as a last-minute to replace him there.

1 Q. And what did you do there?

2 A. I gave a little speech and a word of encouragement and
3 prayer.

4 Q. You also say in paragraph 44 that you're not sure if
5 you will be arrested if you go to the War Memorial. Do
6 you see that?

7 A. I do, yes, ma'am.

8 Q. And you've been to the War Memorial since February
9 12th?

10 A. Yes, ma'am.

11 Q. Were you arrested?

12 A. No, ma'am, but just to note that this was --

13 Q. You've answered my question.

14 A. This was recent. Things have changed. The climate has
15 changed. And when I went to the War Memorial, I was
16 very hesitant to give out my name. I didn't use my
17 denomination. I didn't say where I worked, and there's
18 only one person that I gave my name to. It was with
19 the Ottawa Citizen, I think it was, and they, I think,
20 spelled my name wrong or something like that.

21 Q. And that's a news publication, correct?

22 A. Yes. But we spoke first, and I shared my concerns and
23 so forth. And she seemed like a nice, honest person
24 and --

25 Q. Back to my question, Mr. Ristau. You weren't arrested

1 when you went to the War Memorial for the Rolling
2 Thunder protest?

3 **A.** No, ma'am, I was not. Correct, yes, ma'am.

4 **Q.** In that same paragraph, you talk about the Go Fund Me?

5 **A.** Yes.

6 **Q.** Your wife donated?

7 **A.** Yes, ma'am.

8 **Q.** And you also say there you're not sure if you have
9 broken any law by doing so, by donating to the Go Fund
10 Me, correct?

11 **A.** Yes, ma'am.

12 **Q.** Have you been arrested in connection with your
13 donation?

14 **A.** As I answered regarding the freezing of the account,
15 no.

16 **Q.** But your account wasn't frozen?

17 **A.** No, it was not.

18 **Q.** You talk about emptying your bank account. When did
19 you do that?

20 **A.** That very morning, that same morning when I received
21 that phone call.

22 **Q.** Which you have said previously was the Friday after you
23 attended the protest?

24 **A.** Yes, ma'am. I believe that was the Friday.

25 **Q.** That would have been February 16th?

1 **A.** It was the -- it was the -- again, forgive my memory,
2 but I believe that was the -- it was the day that a lot
3 of the banks had kind of had their issues with the
4 banks and all that. It was that morning.

5 **Q.** You're aware that the Go Fund Me itself ended the
6 fundraising on that platform?

7 **A.** That -- right, that the fundraising was finished on --
8 right, yes.

9 **Q.** And are you aware that that happened on or about
10 February 4th?

11 **A.** All's I'm aware of is that that fundraising platform
12 was finished, and then another one, and I forget the
13 name of the other one, was created. And I forget the
14 name of that one but --

15 **Q.** So you're aware that the Go Fund Me ended, and I'm
16 going to put it to you that that was around February
17 4th. Are you aware of that?

18 **A.** No, again, I don't remember with the dates. I just
19 know we gave to the fund. I received a phone call
20 regarding --

21 **Q.** You've given your evidence on the phone --

22 **A.** I just don't want to say anything -- I don't remember.
23 I don't know if that's an acceptable answer.

24 **Q.** Well, you can't talk about the phone call, so let's not
25 talk about the phone call.

1 **A.** Right. Okay. Well, I believe that morning, even
2 without a phone call, I believe this was happening.

3 And my wife went to the bank, and she --

4 **Q.** Let me ask my questions, Mr. Ristau. We're not going
5 to finish in the time that you need to be done.

6 MR. MILLER: We're already --

7 **A.** That's okay. We can still go over. I mean, I've told
8 my brothers that this was a priority.

9 **Q.** MS. AHLUWALIA: Yeah, we've got a few more
10 questions to go. Are you aware that once the Go Fund
11 Me ended, that donors' names weren't published anymore?

12 **A.** Once the Go Fund -- no, I don't believe I was aware of
13 that.

14 **Q.** Okay. We may be done sooner than I think. Just the
15 last few questions: How did you get involved in this
16 court challenge?

17 MR. MILLER: I'm going to object on the grounds
18 of privilege.

19 MS. AHLUWALIA: Okay.

20 OBJECTION TAKEN to answering the question: How did you get
21 involved in this court challenge?

22 **Q.** MS. AHLUWALIA: I'm going to put up one last video
23 here. It's a YouTube video. And I don't know if
24 there's any way we can get any sound, but do you
25 remember --

1 MS. BRZEZICKI: I'm going to try and get some
2 sound. One moment.

3 MR. MILLER: And can we have Mr. Ristau go into
4 a breakout room, please, because I want to watch this
5 before this is put to him?

6 COURT REPORTER: Is that fine, Ms. Ahluwalia?

7 MS. AHLUWALIA: That's fine.

8 (DISCUSSION OFF THE RECORD)

9 Q. MS. AHLUWALIA: Mr. Ristau, you're back. We're
10 going to just show you a few seconds of a video. This
11 is an interview of -- you did with Dave from Live With
12 Shed, I believe.

13 A. Live From Shed, yeah.

14 Q. Live From Shed. Do you recall this interview? I
15 believe it was on February 23rd.

16 A. Yes.

17 Q. Okay. So we're just going to zoom to sort of the 15:02
18 minute mark.

19 (VIDEO CLIP PLAYED)

20 MS. AHLUWALIA: We can end it there. Thank you.

21 Q. MS. AHLUWALIA: Mr. Ristau, do you recall telling
22 Dave that the Justice Centre for Constitutional
23 Freedoms reached out to you?

24 MR. MILLER: I'm going to object again on
25 grounds of relevance.

1 MS. AHLUWALIA: And that's an improper objection.
2 I'm simply asking --
3 MR. MILLER: Well, that's your position.
4 Relevance, objected to.
5 MS. AHLUWALIA: I'm simply asking the witness if
6 that's what he said in that interview. It's in the
7 video.
8 MR. MILLER: I object to it --
9 MS. AHLUWALIA: Let me back up.
10 MR. MILLER: -- on the grounds of relevance.
11 OBJECTION TAKEN to answering the question: Mr. Ristau, do
12 you recall telling Dave that the Justice Centre for
13 Constitutional Freedoms reached out to you?
14 Q. MS. AHLUWALIA: Let me back up. Mr. Ristau, is
15 that you in the video that we just saw?
16 MR. MILLER: Objection. Ground of relevance.
17 MS. AHLUWALIA: Mr. Ristau, is that you in the
18 video that we just saw?
19 MR. MILLER: Objection on the grounds of
20 relevance.
21 MS. AHLUWALIA: That's a very improper objection,
22 Mr. Miller. I'm simply asking if he is in that
23 interview.
24 MR. MILLER: Objection on the grounds of
25 relevance, ma'am.

1 MS. AHLUWALIA: The relevance is that he's
2 speaking about the protest. He's --

3 MR. MILLER: No, he's not. He's speaking about
4 the litigation. That's what you --

5 MS. AHLUWALIA: Which is about the protest.

6 MR. MILLER: No, it's not. It's about the
7 protest, but it's not relevant and material to the
8 judicial review, so, again, I'm objecting on the
9 grounds of relevance. You can -- I'm not permitting
10 the question to be asked.

11 OBJECTION TAKEN to answering the question: Mr. Ristau, is
12 that you in the video that we just saw?

13 Q. MS. AHLUWALIA: Mr. Ristau, you've been
14 interviewed and given several interviews regarding your
15 experience at the protest, correct?

16 A. Yes.

17 Q. You -- in addition to the interview that we just saw,
18 you -- you confirm that you did interview with Dave on
19 February 23rd with Live With Shed, is it?

20 MR. MILLER: Objection on the grounds of
21 relevance.

22 MS. AHLUWALIA: I'm simply asking if he gave an
23 interview regarding his experience at the protest
24 and --

25 MR. MILLER: Objection on the grounds of

1 relevance with respect to the interview with Dave.

2 MS. AHLUWALIA: Mr. Miller, your objection is
3 improper.

4 MR. MILLER: Well, you can make the application
5 before a judge or a master -- or, sorry, a prothonotary
6 and argue that, but it's objected to. I've told you
7 I'm objecting to the questions you're asking about this
8 video.

9 OBJECTION TAKEN to answering the question: In addition to
10 the interview that we just saw, you confirm that you
11 did interview with Dave on February 23rd with Live With
12 Shed, is it?

13 Q. MS. AHLUWALIA: Mr. Ristau, in your affidavit, do
14 you recall at paragraph 26 -- do you recall saying --
15 you've said there -- it says "interviews with various
16 media in attendance." You gave interviews with various
17 media, and you'll recall earlier today, you testified
18 that you gave an interview to Post Millennial. And
19 then you also, unknowingly, interviewed with CTV; isn't
20 that correct?

21 A. Correct.

22 Q. Okay. And then subsequent to that, we looked at your
23 article, the article about you in The Federalist, and
24 you confirmed that you gave that interview. Do you
25 recall being written about in a publication called the

1 Gottesdienst?

2 **A.** Oh, Gottesdienst.

3 **Q.** Gottesdienst, do you remember interviewing for that
4 article?

5 **A.** Yes.

6 **Q.** And that was on February 14th?

7 **A.** I don't remember when they interviewed me.

8 MR. MILLER: If you could put the article up,
9 he could probably refresh his memory.

10 MS. AHLUWALIA: Yeah. Ms. Brzezicki, thank you.

11 **Q.** MS. AHLUWALIA: Do you recall seeing --

12 MR. MILLER: Instead of just going -- hold on.
13 Instead of just going off the record this time and me
14 reading it independently, could we all read the whole
15 article just without putting it on the record so that
16 we understand what we're being questioned about if
17 we're going to object to it? Would that be okay if we
18 just --

19 MS. AHLUWALIA: That's fine. I don't actually
20 have specific questions about the content of the
21 article. I simply am asking if he's aware that this
22 article is written about his experience at the
23 protests.

24 **Q.** MS. AHLUWALIA: Mr. Ristau, do you recognize this
25 article?

1 **A.** Yes.

2 **MS. AHLUWALIA:** And so this is another exhibit for
3 identification. It's an article at the --

4 **Q.** **MS. AHLUWALIA:** Mr. Ristau, if you can pronounce
5 the publication name again.

6 **A.** Yeah, Gottesdienst.

7 **MS. AHLUWALIA:** Dated February 14th, madam
8 reporter.

9 EXHIBIT H FOR IDENTIFICATION - A copy
10 of an article dated February 14, 2022,
11 from a publication called the
12 Gottesdienst

13 **Q.** **MS. AHLUWALIA:** So there's that one, and then you
14 were in a podcast dated February 15th for the Issues,
15 Etc. folks. We'll put up the video. We don't need to
16 view it. I just simply want you to see if you recall
17 being on that podcast. Do you recall this?

18 **A.** Yes.

19 **Q.** Okay. And they reached out to you? These folks
20 reached out to you to interview about your experience
21 at the protest?

22 **A.** Yes. They're a Lutheran -- they're a Lutheran radio or
23 podcast or whatever you call it.

24 **Q.** Okay.

25 **A.** But can I -- may I just note that I haven't -- I

1 haven't necessarily -- like, I haven't read or listened
2 to it all. I'm confirming that I know about them, and
3 I have been interviewed.

4 Q. That's fine, sir. I'm not going to ask you any
5 questions about the actual podcast. My next question
6 is that you were on Fox News on February 22nd, correct?

7 A. Yes.

8 Q. That's huge. They reached out to you?

9 A. Yes.

10 Q. Okay. And you are aware that that's a U.S. news site?

11 A. Yes.

12 Q. And then just to circle back, this interview with Dave
13 on this Live With Shed, you're aware that this is also
14 a U.S. news source, right?

15 A. No. Live From the Shed is a U.S. news source?

16 Q. Okay. You didn't know that? That's fine. So --

17 A. I thought they were based in Guelph or Cambridge or
18 something like that.

19 Q. Okay. Then you spoke at the Rolling Thunder event in
20 Ottawa, correct, where you led --

21 A. Yes, ma'am.

22 Q. -- prayers?

23 A. Yes, ma'am.

24 Q. And that was -- what date in April?

25 A. Oh, again, I -- it was the Saturday of it. I just -- I

1 don't remember the date. It was a few weeks ago.

2 Q. Okay.

3 A. You could probably find it.

4 Q. That's fine. It was sometime in April, though?

5 A. Yes, it was the Saturday a couple of months ago.

6 MS. AHLUWALIA: Madam reporter, I think I got the
7 date wrong in the Live From the Shed interview. I
8 believe it was May 16th.

9 MS. BRZEZICKI: That is correct, what it says on
10 the actual -- the Shed site, correct.

11 Q. MS. AHLUWALIA: Are you still getting requests for
12 interviews regarding your experience at the protest?

13 A. Not really.

14 Q. Okay. Let's go to paragraph 29 of your affidavit. And
15 you state there: (as read)

16 I have been directly and substantially
17 harmed by the Emergencies Act for my
18 attendance at the protests and for the
19 prayers I made at the War Memorial.

20 That is your belief, correct?

21 A. It is, yes.

22 Q. And it's not because of you being in the media so much?
23 Let me -- let me ask it this way: The Emergencies Act
24 didn't publish your name, correct?

25 A. I don't -- does the Emergencies Act publish any names?

1 I don't know -- that's not a function of the
2 Emergencies Act. I mean, it's not a -- it's not a
3 human entity, I mean.

4 **Q.** Right. And the Emergencies Act didn't ask you to be
5 interviewed? It was the media that was doing that,
6 correct?

7 **A.** Emergencies -- yeah, of course the Emergencies Act
8 didn't interview me, yes.

9 **Q.** Thank you. That may be all of my questions. I would
10 like to take just a short break and then come back,
11 say, in 5 minutes, please. Thank you.

12 (ADJOURNMENT)

13 **Q.** MS. AHLUWALIA: Mr. Ristau, I'm going to conclude
14 my cross today subject to any objected questions that a
15 Court may compel you to answer in the future, and you
16 may need to come back for cross-examination on those
17 questions.

18 **MR. MILLER:** And I have no re-examination
19 arising, just for the record. Do you want -- we talked
20 about -- you didn't ask for the undertakings. You're
21 not going to ask for the undertakings with respect to
22 the police report, et cetera, I take it?

23 **MS. AHLUWALIA:** No.

24 **MR. MILLER:** Okay. Thank you.

25 **Q.** MS. AHLUWALIA: Thank you for your time today,

1 Mr. Ristau.

2 A. Good bless you all.

3

4

(Proceedings ended at 12:31 p.m.)

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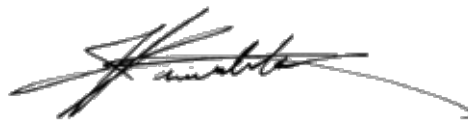
25

Certificate of Transcript

I, the undersigned, hereby certify that the foregoing pages 1 to 91 are a complete and accurate transcript of the proceedings taken down by me in shorthand and transcribed from my shorthand notes to the best of my skill and ability.

I further certify that this questioning was conducted in accordance with the Alberta Protocol for Remote Questioning, Revised 05/05/2020.

Dated at the City of Calgary, Province of Alberta, this 26th day of June, 2022.



Justyne Kawalilak,
CSR(A), RPR, BA(Hons)
Official Court Reporter

1 - I N D E X -

2 HAROLD RISTAU

3 June 13, 2022

4 The following is a listing of exhibits, undertakings and
5 objections as interpreted by the Court Reporter.

6 The transcript is the official record, and the index is
7 provided as a courtesy only. It is recommended that the
8 reader refer to the appropriate transcript pages to ensure
9 completeness and accuracy.

10

11 ***EXHIBITS***

12 EXHIBIT A FOR IDENTIFICATION - A copy of a 46
13 document entitled "Introduction to The Memorandum
14 of Understanding (MOU)"

15

16 EXHIBIT B FOR IDENTIFICATION - A copy of a Daily 46
17 Hive article with the title "'Vile, violent, and
18 hateful': Leaders denounce Nazi, Confederate flags
19 at Ottawa protest"

20

21 EXHIBIT C FOR IDENTIFICATION - A copy of a 47
22 National Post article titled "Convoy organizers
23 plan to stay in Ottawa after weekend protests
24 spark anger"

25

1	EXHIBIT D FOR IDENTIFICATION - A YouTube video	47
2	titled "Veterans remove barriers from Ottawa War	
3	Memorial and sing O'Canada"	
4		
5	EXHIBIT E FOR IDENTIFICATION - A copy of a CTV	47
6	article titled "Protesters tear down fencing	
7	around the National War Memorial"	
8		
9	EXHIBIT F FOR IDENTIFICATION - A copy of a Global	47
10	News article titled "Convoy protesters tear down	
11	fence protecting National War Memorial"	
12		
13	EXHIBIT G FOR IDENTIFICATION - A copy of an	62
14	article from thefederalist.com dated February 21,	
15	2022	
16		
17	EXHIBIT H FOR IDENTIFICATION - A copy of an	87
18	article dated February 14, 2022, from a	
19	publication called the Gottesdienst	
20		
21	***UNDERTAKINGS REQUESTED***	
22	No undertakings were requested.	
23		
24		
25		

1	***OBJECTIONS***	
2	OBJECTION TAKEN to answering the question: So	20
3	they likely wouldn't say that to anyone?	
4		
5	OBJECTION TAKEN to answering the question: It's	21
6	reasonable that somebody wouldn't say that out	
7	loud?	
8		
9	OBJECTION TAKEN to answering the question: Can	69
10	you point me to the Act where it says that folks	
11	are enemies of the state or insurrectionists if	
12	they attend a protest?	
13		
14	OBJECTION TAKEN to answering the question: How	81
15	did you get involved in this court challenge?	
16		
17	OBJECTION TAKEN to answering the question:	83
18	Mr. Ristau, do you recall telling Dave that the	
19	Justice Centre for Constitutional Freedoms reached	
20	out to you?	
21		
22	OBJECTION TAKEN to answering the question:	84
23	Mr. Ristau, is that you in the video that we just	
24	saw?	
25		

1 OBJECTION TAKEN to answering the question: In 85
2 addition to the interview that we just saw, you
3 confirm that you did interview with Dave on
4 February 23rd with Live With Shed, is it?

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